



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

JUN - 1 2001

MEMORANDUM FOR: William T. Hogarth, Ph.D.
Acting Assistant Administrator
for Fisheries

FROM: *Waudalle*
Donald R. Knowles
Director
Office of Protected Resources

SUBJECT: Strategy for Sea Turtle Conservation & Recovery
in Relation to Atlantic Ocean and Gulf of Mexico
Fisheries--DECISION MEMORANDUM

Attached for your review and concurrence is the annotated outline and implementation schedule which describes a strategic plan to address incidental capture of sea turtles in state and federal fisheries in the Atlantic and Gulf of Mexico. A draft outline was submitted to you on April 23, 2001. The final annotated outline is an outcome of the collaborative effort between F/PR, NEC, NER, SEC, and SER staff.

The general strategy for the plan is to address sea turtle bycatch on a gear basis as opposed to specific fisheries. Certain types of gear are more prone to capturing turtles than others, depending on the way the gear is fished and the time and area within which it is fished. Currently, NMFS addresses fishery interactions with our Section 7 consultation process on federal fisheries. This approach does not allow the integration of state-managed fisheries and fisheries not currently managed under an Fishery Management Plan (FMP), as these activities do not invoke the requirements of Section 7. The strategic plan provides a comprehensive and ordered strategy to address sea turtle capture in fishing gear. The strategy will be implemented through the scoping process under the National Environmental Policy Act (attached draft Federal Register Notice). Through scoping meetings, NMFS will be able to bring together experts from the states, Councils, industry, academia, Non-Governmental Organizations, and other interested parties in order to address sea turtle bycatch by gear type throughout the Atlantic and Gulf of Mexico. Input from these entities will provide valuable information on step-down actions that may be implemented to reach species recovery goals as defined in the ESA Recovery Plans for these species.

The major elements to the strategic plan include: a) continue and improve stock assessments for each stock/species of sea turtle



found within the US Exclusive Economic Zone (EEZ); b) improve and refine estimation techniques for the takes of sea turtles to ensure that the criteria for recovery are being met consistent with ESA mandates; c) continue and improve the estimation or categorization of sea turtle bycatch by gear type and fishery; d) evaluate the significance of bycatch by gear type; e) convene specialist groups to prepare plans for reduction of takes for gear types with significant levels of take; and f) promulgate ESA & MSA regulations implementing plans developed for take reduction by gear type.

Implementation of the NEPA approach within the time frame specified in the Implementation Schedule is contingent upon sufficient funding and the addition of 5 FTEs (1 each for PR, NER, NEFSC, SER, and SEFSC).

I concur: *L. H. Hargrave*

6/6/01
Date

I do not concur: _____

Date

Attachments

**National Marine Fisheries Service - Sea Turtle Conservation & Recovery
Atlantic/Gulf of Mexico Fisheries Implementation Schedule**

Action	Target Date	Lead/Comments
<u>Update Recovery Plans</u> Loggerhead <ul style="list-style-type: none"> • New Team Appointed • Complete Revised Plan 	06/30/01 12/31/02	NMFS (PR), USFWS
Leatherback <ul style="list-style-type: none"> • New Team Appointed • Complete Revised Plan 	06/30/02 12/31/03	NMFS (PR), USFWS
Kemp's Ridley <ul style="list-style-type: none"> • New Team Appointed • Complete Revised Plan 	Completed 12/31/02	NMFS (PR), USFWS
Green <ul style="list-style-type: none"> • New Team Appointed • Complete Revised Plan 	06/30/02 12/31/03	NMFS (PR), USFWS
Hawksbill <ul style="list-style-type: none"> • New Team Appointed • Complete Revised Plan 	06/30/02 12/31/03	NMFS (PR), USFWS
<u>Stock & Risk Assessment:</u> <ul style="list-style-type: none"> • Loggerhead • Leatherback • Kemp's ridley • Green • Hawksbill 	2001 2001 1998 2003 2003	SEFSC SEFSC SEFSC SEFSC SEFSC
Improve and Refine Estimation Techniques for Takes of Turtles	12/31/02	NEFSC/NER, SEFSC/SER, PR
Develop Schedule for Regular Stock Assessments & Comply with ESA section 4 Status Reviews	09/30/01	NEFSC/NER, SEFSC/SER, PR
NMFS Internal Workshop to Prioritize Gear/Actions	09/30/01	NEFSC/NER, SEFSC/SER, PR

Action	Target Date	Lead/Comments
<u>Current ESA Regulations</u> <ul style="list-style-type: none"> Publish Monkfish Temporary Rule Publish Proposed Rule to Modify TED Requirements 	05/25/01 07/31/01	SER/NER SER
<u>NEPA Approach</u> <ul style="list-style-type: none"> Publish Scoping Announcement Respond to Comments and Schedule Scoping Meetings Hold Scoping Meetings Publish Proposed ESA Regulations by Priority Gear Publish Final Rule by Priority Gear 	07/31/01 10/31/01 12/1/01 - 01/30/03 04/30/03 07/31/03	PR PR, NER, NEFSC, SER, SEFSC PR, NER, NEFSC, SER, SEFSC PR, NER, NEFSC, SER, SEFSC PR, NER, NEFSC, SER, SEFSC
<u>Section 7 Consultations</u> <ul style="list-style-type: none"> Multispecies, Dogfish, Monkfish, Lobster Atlantic Pelagic Other 	06/15/01 06/8/01 As appropriate	See Attachment A See Attachment A See Attachment A

Action	Target Date	Lead/Comments
<u>International</u> <ul style="list-style-type: none"> • Complete International Strategy for Fisheries Bycatch • Complete 202h Consultation on Longline Fisheries • Convene International Technical Longline Workshop • Conclude Indian Ocean Agreement • Implement Interamerican Treaty 	06/25/01 02/05/01 06/30/02 07/31/01 First meeting of Parties by 12/31/01	PR, SF PR, SF PR, SF PR, DOS PR, DOS
Implementation of NEC and SEC Research Plans	Ongoing	NER, NEC, SER, SEC

**National Marine Fisheries Service
Strategy for
Sea Turtle Conservation & Recovery
in Relation to
Atlantic Ocean and Gulf of Mexico Fisheries**

A. Mandates, Need, and Strategy

1. Legal & Regulatory Mandates

- a. Endangered Species Act (ESA) - shared jurisdiction for marine turtles with USFWS
- b. Magnuson-Stevens Fishery Conservation and Management Act (MSA) - bycatch reduction requirements
- c. CITES - Convention on International Trade in Endangered Species
- d. Inter-American Agreement for the Conservation and Protection of Marine Turtles
- e. SPAW Protocol- Protocol Concerning Specially Protected Areas & Wildlife to the Convention for the Protection & Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention), U.S. ratification pending

2. Need

NMFS has implemented many of the mechanisms provided under the ESA to recover sea turtles. However, the incidental capture of turtles in commercial and recreational fisheries has not been fully addressed. Numerous fisheries have been implicated in the incidental capture of marine turtles along the Atlantic and Gulf of Mexico coasts. Both state and federally managed fisheries are involved as well as fisheries operating outside of a management plan, including recreational and international fisheries. Data available on the magnitude of the problem varies by fishery and area. The issue is not so much a specific target fishery problem but a gear problem. Certain types of gear are more prone to incidentally capturing turtles than others, depending on the way the gear is fished and the time and area within which it is fished. Recent NMFS actions have brought this issue to the forefront and NMFS has been criticized for lacking a comprehensive approach and strategy for addressing this incidental take, which in many cases is not authorized under the ESA. Given limited resources such as staff and budget constraints, incidental take in fisheries has mostly been addressed on a “severity of the problem” priority approach combined with our Section 7 consultation process on federal Fishery Management Plans (FMP’s). This approach does not allow the integration of state-managed fisheries or fisheries in federal waters which are not operating under and FMP, which do not fall under the requirements of Section 7, since no federal activity is involved. NMFS needs a comprehensive and ordered strategy to address sea turtle capture in fishing gear.

3. A Strategy to Reduce the Takes of Turtles in Marine Fisheries

The goals of the NMFS strategy will be to: a) conserve and recover sea turtles; b) authorize fishery takes consistent with ESA mandates; c) increase effectiveness in management; d) prioritize fishery interaction concerns. To achieve these goals, NMFS proposes to implement a process with the following elements:

1. Continue and improve stock assessments for each stock/species of sea turtle found within the US EEZ.
2. Improve and refine estimation techniques for the takes of sea turtles to ensure that the criteria for recovery are being met consistent with ESA mandates.
3. Continue and improve the estimation or categorization of sea turtle bycatch by gear type and fishery.
4. Evaluate the significance of bycatch by gear type.
5. Convene specialist groups to prepare plans for reduction of takes for gear types with significant levels of take.
6. Promulgate ESA & MSA regulations implementing plans developed for take reduction by gear type.

NMFS proposes to implement this strategy through the National Environmental Policy Act (NEPA) process by August 2003. Plans developed under this strategy will be refined in subsequent years based on their success and on regularly scheduled stock assessments.

4. Species Status & Recovery Plans

a. Loggerhead -

ESA Status Review: 1995

Stock Assessment : 2001

Primary threats to recovery under NMFS responsibility: Trawl, longline, purse seine, hook and line, gill net, pound net, and trap fisheries; oil and gas exploration, development and transportation; dredging, marina and dock development; pollution; boat collisions; power plant entrapment; military exercised; underwater explosions; offshore artificial lighting; entanglement (marine debris including discarded or lost fishing gear); ingestion of marine debris; poaching; predation; diseases and parasites.

Recovery criteria: Over 25 year period: 1) Florida nesting population is increasing; North Carolina 800 nests/season; South Carolina 10,000 nests/season; and Georgia 2,000 nest/season; 2) 25% of nesting beaches are in public ownership to encompass greater than 50% of nesting activity; 3) all

priority 1 tasks are successfully implemented.

Recovery plan approved: 1991

New Recovery Team Forming: 2001; Revised Recovery Plan Projected
Completion Date December 2002

b. Leatherback -

ESA Status Review: 1995

Stock Assessment: 2001

Primary threats to recovery (NMFS responsibility): Commercial fisheries such as shrimp and longlines; entanglement at sea (e.g. longlines, fish trap warps, buoy anchor lines, etc.); ingestion of marine debris; boat collisions; oil and gas exploration, development, transportation, and storage; pollution.

Recovery Criteria: Over next 25 years: 1) a statistically significant increasing trend in the number of nests at Culebra, Puerto Rico, St. Croix, USVI and along the east coast of Florida; 2) at least 75% of nesting beaches in public ownership; 3) all priority 1 tasks successfully implemented.

Recovery plan approved: 1992

New Recovery Team: Projected Appointment 6/30/02

c. Kemp's ridley -

ESA Status Review: 1995

Stock Assessment: 1998

Primary threats to recovery (NMFS responsibility): Commercial fisheries, including trawl, gillnets, hook and line, longline, dip nets, crab pots and traps, pound nets, skimmers, beach and purse seines, butterfly and cast nets, marine pollution and debris; dredging; other known or probable man-induced stresses (e.g. explosive removal of obsolete oil platforms, impact by the hulls or propellers of boats, power plant entrapment & human activities of various kinds on foraging grounds.)

Recovery criteria: 1) continue complete nesting beach protection; 2) eliminate incidental shrimp trawl mortality; 3) attain 10,000 nesters/season; 4) implement priority 1 recovery tasks.

Recovery plan approved: 1992

New Recovery Team Appointed 2001; Revised Recovery Plan Projected Completion Date 12/31/02

d. Green -

ESA Status review: 1985; draft 1995

Stock Assessment : 2003

Primary threats to recovery (NMFS responsibility): Trawl fisheries; purse seine fisheries; hook and line fisheries; gill net fisheries; pound net fisheries; longline fisheries; trap fisheries; boat collisions; power plant entrapment; seagrass bed degradation; pollution; oil and gas exploration, development and transportation; dredging; marina and dock development; underwater explosions; offshore artificial lighting; entanglement; ingestion of marine debris; poaching; predation; disease and parasites.

Recovery plan approved: 10/29/1991

New Recovery Team: Projected Appointment - 6/30/02

e. Hawksbill -

ESA Status Review: 1995

Stock Assessment : 2003

Primary threats to recovery under NMFS responsibility: Entanglement at sea; ingestion of marine debris; commercial and recreational fisheries, including trawls, gillnets, longline, driftnets, seines; watercraft collisions; sedimentation and siltation; agricultural and industrial pollution; sewage, illegal exploitation; oil and gas exploration, development, transportation, and storage; anchoring and vessel groundings; international trade; other threats (e.g. capture in cooling water intakes of industrial facilities, illegal use of explosives for fishing).

Recovery criteria: Over a period of 25 years: 1) adult female population is increasing (nests on index beaches); 2) habitat for 50% of nesting in US Caribbean is protected; 3) all life stages are increasing in five index foraging areas; 4) priority 1 tasks are completed.

ESA Recovery Plan approved: 12/15/93

New Recovery Team: Projected Appointment - 6/30/02

5. Description of Fisheries or Fishing Gear of Concern (see Attachment A - Federally managed fisheries subject to ESA section 7 consultation; Attachment B - List of fisheries known or suspected to take sea turtles)

- a. **Trawls** (including shrimp, non-shrimp bottom trawls & flynets)
- b. **Longline** (including surface & bottom)
- c. **Gillnets** (including drift & stationary)
- d. **Trap/Pot Fisheries** (including whelk, lobster, crab)
- e. **Pound Nets**
- f. **Dredge Fisheries**
- g. **Recreational Gear (hook and line and gillnets)**

B. Research (actions derived from: recovery plan priorities, regional strategic plans, allocation spending plans, expert working group recommendations)

1. Current and/or Ongoing

a. Life History Studies

- 1. indices of abundance & distribution surveys
- 2. migration & movement patterns
- 3. stock identification
- 4. health assessment
- 5. stock assessment

b. Fisheries Interactions

- 1. observer programs
- 2. Sea Turtle Stranding & Salvage Network (STSSN)

c. Gear & Fishing Practices

- 1. turtle excluder device (TED)

- i. shrimp fishery
 - ii. summer flounder
 - iii. weakfish
- 2. longline cutting and de-hooking device
- 3. predictability of interactions--oceanographic parameters
- 4. hook type and location
- 5. bait preference
- 6. gillnet tie down
- 7. submergence physiology
- 8. post-hooking survivorship

2. Recommendations for Further Research

a. Life History Studies

- 1. long-term inwater, indices of abundance & distribution surveys
- 2. age, growth, and sex determination
- 3. saturated tagging
- 4. stock identification
- 5. determine survivorship rates
- 6. habitat use
- 7. satellite tagging including research and development technology for improved tags
- 8. periodic stock assessments

b. Fisheries Interactions

- 1. evaluate interactions along migration routes
- 2. identify and monitor fisheries, including recreational fisheries of concern to estimate bycatch and impact to population
- 3. evaluate and prevent destruction of habitat from fishing gear
- 4. evaluate environmental correlates associated with strandings to increase understanding of causes

c. Gear & Fishing Practices

- 1. continue to develop gear technology and/or fishing practices that reduce take and increase survivorship

3. Establish a Schedule for Stock Assessment and Comply with ESA Status Reviews.

By September 30, 2001, NMFS will formalize a process for conducting and evaluating stock assessments. NMFS will also ensure that ESA status reviews will be conducted, at a minimum, every 5 years to meet the requirements specified in section 4(c).

4. Improve and Refine Estimation Techniques for Takes of Marine Turtles Consistent with ESA Mandates.

By December 31, 2002, NMFS will evaluate methodologies used to estimate sea turtle bycatch and employ the most effective method(s) to ensure that management programs meet the criteria for recovery. Refined techniques will also improve NMFS ability to evaluate its conservation management program.

5. Establish a Process to Conduct Reviews of Ongoing Science and Management Programs. By December 31, 2001, NMFS will assess its current program reviews and will develop a formal process to conduct timely, consistent reviews in the future.

C. Management Actions

1. Current Federal Regulations

a. Shrimp Fishery

b. Summer Flounder Fishery

c. Longline Fishery

d. Regulatory Framework to Respond to Federal or State Fisheries Interactions.

e. Section 7 Consultations with Federal Fisheries under the Magnuson-Stevens Fishery Conservation & Management Act (see Attachment A)

Consultations are conducted on each FMP as they are amended. Most FMPs allow for multiple gear types. Each action under the FMP is expected to result in a level of incidental take for sea turtles. This level of take is then added to the baseline status of the sea turtle population for use in subsequent section 7 consultations. The ‘accumulation’ of anticipated take for each FMP action may affect future FMP actions, because the total anticipated take from all actions cannot be sustained by certain sea turtle populations. This FMP by FMP process may result in the perception that the last FMP that is consulted on is not treated equitably, both in terms of ability to take listed species and different limitations identified for similar gear types. The consultation process is also limited to Federally managed fisheries. Interactions with sea turtles as a result of state or non-managed fisheries must be considered in the baseline, however section 7 consultations only authorize take in the Federally managed fisheries. The remedy is to develop ESA regulations or ESA permits

2. Future Federal Regulation Approach

NMFS will develop comprehensive NEPA Environmental Impact Statements by gear type which will allow a flexible approach under the scoping component. In addition to soliciting public comment through written and oral testimony, a team can be convened consisting of experts (including state representatives, industry, academia, and NGO’s) to seek specific input on the gear problem and to identify potential solutions as part of the scoping process and the recovery actions under section 4. This group would act as an advisory body and recommendations would not be binding. The first step would be a scoping document which NMFS would prepare and which would outline the concerns, our goals, what measures might be considered, what data we have, etc. The proposed end result would be an ESA section 4(d) or 11(f) regulatory action on gear, a process similar to our TED regulatory requirements in which section 7 consultations are conducted on the ESA action.

D. Compliance Outreach

1. Protected Resources Enforcement Team Activities

The protection of sea turtles is one of the highest priorities of the Southeast and Northeast Divisions of the NOAA, Fisheries Office for Law Enforcement. Protection can be increased through the enforcement of laws and regulations established to protect endangered sea turtles and through engagement in activities that identify factors that contribute to the problem, educating fishermen and others as to how their actions may serve to safeguard turtles, and through partnering with stakeholders to become engaged as part of the solution. These measures will be accomplished through the deployment of agents normally dedicated and assigned to this function and through the redirection of additional personnel to be assigned as dictated by the needs of specific operations or engagements established to protect sea turtles under this initiative.

The operational approach of the OLE will be to deploy agents, officers and gear specialists geographically as dictated by the migration of the turtles and their interaction with various fisheries in the Gulf of Mexico and on the Atlantic coast. Operations will typically run from February to October. The objective of the operations will be to establish an increased level of contact with the fishermen to effectively reduce the conflicts between turtles and fishing activity that is detrimental to the turtles without unnecessarily inhibiting or creating a detrimental effect on fishing.

E. International Actions

1. Current and/or Ongoing

- a. Public Law 101-162 - Shrimp Embargo Legislation
- b. Interamerican Convention for the Protection & Conservation of Sea Turtles
- c. Magnuson-Stevens Fishery Conservation & Management Act Section 202(h)
(see below recommended future actions)
- d. Regional Fishery Management Councils
 1. International Commission for the Conservation of Atlantic Tunas
- e. Global Fisheries Forum
 1. Food & Agriculture Organization of the United Nations - Committee on Fisheries (COFI)
- f. Support for Wider Caribbean Sea Turtle Conservation Network
- g. Bilateral Fisheries Cooperative Talks (e.g., Mexico)
- h. Mexico/U.S. Cooperative Program at Rancho Nuevo
- i. Kemp's Ridley Working Group
- j. CITES/Hawksbill Range State Dialogue

2. Recommendations for Future International Fisheries Coordination

- a. MSA Section 202(h) Consultation on International Longline Fisheries & Sea Turtle Interactions: NMFS and the Department of State have begun consultation on

an international strategy for Section 202(h) which calls for the Secretary of State, in cooperation with the Secretary of Commerce, to seek to secure an international agreement to establish standards and measures for bycatch reduction that are comparable to U.S. standards. The general strategy would include: a) steps to quantify marine turtle bycatch and to seek solutions to reduce the international problem of incidental capture of marine turtles in longline fisheries; b) encourage and support existing bilateral efforts as well as facilitate new regional and global efforts to collect and share turtle longline bycatch data; and c) encourage cooperative research. Specific steps would include: a) provide a summary report to the Food and Agriculture Organization of the United Nations (FAO) for distribution to FAO members on the bycatch of marine turtles in U.S. longline fisheries and the findings of its research as well as recommendations to address the issue by December 2002; b) by July 2002, convene an international technical experts' meeting to evaluate existing information, facilitate and standardize collection of data from longline fisheries that are likely to interact with marine turtles, and to identify and consider solutions to reduce turtle bycatch; c) initiate (or continue) efforts through regional fishery management organizations and other regional fisheries and conservation bodies, such non-management fora as the Asia Pacific Economic Cooperation Forum Fisheries Working Group; d) follow up on Mexico's commitment to share observer data from its Pacific swordfish and shark fisheries and on Chile's 1999 undertaking to collect information on bycatch of sea turtle in its swordfish fishery and make this topic a prominent feature on the bilateral agendas we discuss with Japan, Korea, Taiwan, Canada, and the EU; e) démarche relevant flag states about the international nature of this problem, the steps the United States is taking to address it and requests information relative to sea turtle longline bycatch..

b. International Fisheries Sea Turtle Strategy: NMFS, in coordination with the Department of State, will develop an international strategy to address sea turtle interactions with non-longline gear through the consultation process in 2002. The general strategy would include: a) steps to quantify marine turtle bycatch and to seek solutions to reduce the international problem of incidental capture of marine turtles in fisheries; b) encourage and support existing bilateral efforts as well as facilitate new regional and global efforts to collect and share turtle bycatch data; and c) encourage cooperative research; d) initiate efforts through regional fishery management organizations and other regional fisheries and conservation bodies, such non-management fora as the Asia Pacific Economic Cooperation Forum Fisheries Working Group.

F. State Coordination

1. Current and/or Ongoing

a. Section 6 Cooperative Agreements

Concluded: Massachusetts, New York, Maryland, North Carolina, South Carolina, Georgia

Pending: Florida, USVI, New Jersey

b. Section 10 Permits

1. North Carolina Algae TED exemption (current)
2. North Carolina Southern Flounder Fishery (expired)

c. Atlantic States Marine Fisheries Commission

1. Atlantic States Cooperative Statistics Program - gather bycatch data
2. Workshop on the Management of Protected Species/Fisheries Interaction in State Waters - A meeting held in 1995, consisting of participating states. The objective was to share information on protected species interactions with state fisheries and recommend actions to address these concerns. Recommended actions include:

- i. develop coastwide state/federal cooperative bycatch monitoring program
- ii. re-activate the Commission's Conservation Engineering Committee to provide guidance regarding modifications to minimize interactions
- iii. obtain stable funding for monitoring and gear development
- iv. expand Commission's outreach & education program
- v. include protected species in technical committees, & plan development
- vi. charge the Management & Science Committee with overall coordination with Commission's protected species activities
- vii. coordinate protected species activities, as appropriate with the Regional Fishery Management Councils.

3. Sea Turtle Workshop held during the April 2001 Spring ASMFC meeting. NMFS discussed sea turtle and fisheries interaction issues and distributed this strategy approach in draft.

d. Sea Turtle Stranding and Salvage Network

e. Virginia Sea Turtle Take Reduction Working Group

2. Recommendations for Future Coordination

- a.. Facilitate discussion with Gulf States Commission
- b. Coordinate with Northeast Fisheries & Mid-Atlantic Management Councils
- c. Involvement in NEPA Scoping (Attachment C)

ATTACHMENT A

Status of NMFS Reinitiation of section 7 consultations on federal activities currently authorized to “incidentally take” listed turtles off the Atlantic Coast of the U.S.

Activities anticipated for 2001 include completion of consultation on the following selected fishery actions managed by NMFS and other ongoing federal actions.

1. NMFS: HMS FMP - final revisions to opinion underway 05/31/01
2. NMFS: Multispecies FMP - Initiated in NER May 4, 2000 - redraft in review 05/11/01
3. NMFS: Lobster FMP - Initiated in NER June 22, 2000 - draft in review 05/25/01
4. NMFS: Monkfish FMP - Initiated in NER May 4, 2000 - draft in review 05/30/01
5. NMFS: Dogfish FMP - Initiated in NER May 4, 2000 - draft in review 05/21/01
6. NMFS: Tilefish FMP - final signed at FPR 03/13/01
7. NMFS: Shrimp FMP - Initiated in SER late 2000 - on hold at SER.
8. NMFS: Scallops FMP - Initiation in NER pending.
9. ACOE: Regional Dredging Activities - Consultation ongoing at SER.
10. NRC: St. Lucie Nuclear Power Operations - final signed at SER 03/03/01
11. U.S. Navy, Atlantic Fleet Weapons Training on Vieques Island - Consultation underway - Navy revising BA 05/31/01
12. ACOE: Gasparilla/Estero Islands - on hold at SER.
13. ACOE: Maintenance dredging - draft opinion in clearance at SER
14. MMS: OCS Lease Sale 181 - draft in review at SER 05/31/01
15. ACOE: Thimble Shoals Channel deepening - final signed at FPR 02/07/01
16. Navy: SINKEX programmatic review - ongoing, NER lead region
17. Navy: SINKEX March 2001 operations - concluded informally at NER 03/13/01
18. Navy: LFA SURTASS - final revisions to opinion underway 05/31/01
19. NMFS: ATOC operations - final signed 04/26/01

Phase 2. Ongoing federal actions which have been authorized “incidental take” of listed turtles

20. NMFS: Bluefish FMP
21. NMFS: Herring FMP
22. NMFS: Mackerel, Squid, Butterfish FMP
23. NMFS: Sargassum FMP - reinitiation underway
24. NMFS: Weakfish FMP
25. NMFS: Summer Flounder, Scup, and Black Sea Bass FMP
26. Coast Guard: Vessel Operations, Atlantic
27. Navy: SE Operations Area
28. Navy: NE Operations Area
29. Navy: Shipshock testing Winston S. Churchill
30. Navy: Shipshock testing Seawolf - operation cancelled
31. Air Force: Air-to-surface gunnery testing
32. ACOE: Regional Dredging Activities in the NE Atlantic
33. ACOE: Regional Dredging Activities in the S Atlantic

ATTACHMENT A

34. ACOE: Regional Dredging Activities in the N and W Gulf of Mexico
35. ACOE: Regional Dredging Activities in the E Gulf of Mexico
36. ACOE: Wilmington Harbor Project
37. ACOE: Platform Removals in the Gulf of Mexico
38. ACOE: Chevron's Platform Removals in the Gulf of Mexico
39. ACOE: Hopper dredging and beach replenishment along the Navy Training Combat Training Center at Dam Neck, Virginia Beach, Virginia
40. ACOE: Dredging of Tampa Harbor Navigation Channel
41. ACOE: Regional Dredging off South Atlantic
42. MMS: Platform Removals in the Gulf of Mexico
43. MMS: Destin Dome Development
44. NRC: Brunswick Harbor Federal Navigation Project
45. NRC: Crystal River
46. NRC: Oyster Creek Nuclear Generating Station
47. NRC: Salem and Hope Creek Nuclear Generating Station

Section 10 Research and Enhancement Permits:

1. NMFS: Grays Reef National Marine Sanctuary - Permit 1030
2. NMFS: Atlantic, Gulf of Mexico, U.S. Virgin Islands, Puerto Rico - Permit 1033
3. NMFS: Eastern Atlantic Ocean - Permit 1053
4. NMFS: Flower Gardens National Marine Sanctuary - Permit 1106
5. NMFS: Galveston Texas - Permit 1133
6. NMFS: Pierce Inlet Indian River Lagoon - Permit 1144
7. NMFS: NE Fisheries Observer Program - Permit 1178
8. NMFS: Northwest Atlantic Ocean - Permit # 1187
9. NMFS: Florida Bay: hatchlings - Permit 1198
10. NMFS: Alabama: research - Permit 1201 - modification under review
11. NMFS: Florida: Mosquito Lagoon - Permit 1214
12. NMFS: Indian River Lagoon: Estuary - Permit 1231 - modification under review
13. NMFS: Virgin Islands: research - Permit 1236
14. NMFS: Trawling: South Carolina to Florida - Permit 1245
15. NMFS: Puerto Rico: research - Permit 1253
16. NMFS: NEFSC Observer Program: Sink Gillnet Fishery
17. NMFS: NEFSC Observer Program: Bottom Coastal Fishery
18. NMFS: NEFSC Observer Program: Scallop Dredge Fishery
19. NMFS: NEFSC Observer Program: Otter Trawl Fishery
20. NMFS: NEFSC Observer Program: Longline Fishery
21. NMFS: NEFSC Observer Program: Pelagic Drift Gillnet Fishery

Section 10 Incidental Take Permits:

1. NMFS: North Carolina: Sneads Ferry Shrimp Trawling - Permit 1008 - renewal requested and under review for completeness.

Attachment B. Fishery gear types documented to take sea turtles or with the potential to take sea turtles. Information includes data from the Atlantic States Marine Fisheries Commission Management and Science Committee.

GILLNET	
STATE	FISHERY
Rhode Island	Mixed Species
Connecticut	Mixed Species
Massachusetts	Atlantic Cod
	Haddock
	White Hake
	Pollock
	Am. Plaice Flounder
	Summer Flounder
	Windowpane Flounder
	Witch Flounder
	Yellowtail Flounder
	monkfish
	dogfish
	Winter Flounder
New York	monkfish
	dogfish
	flounder
	striped bass
	weakfish
	bluefish
New Jersey	monkfish
	dogfish
	weakfish
	croaker
	black drum
	bluefish
	weakfish
	bonito
	shad
	mackerel
	menhaden
	flounder
	scup
	skates
Delaware	shad
	croaker
	weakfish
	striped bass
	bluefish
	monkfish
	spot
	sharks
Maryland	Atlantic Croaker
	monkfish
	shad
	smooth/spiny dogfish
	weakfish
	flounder
	horseshoe crabs
	striped bass

GILLNET (continued)	
STATE	FISHERY
Virginia	black drum
	smooth/spiny dogfish
	shad
	bluefish
	gray sea trout
	monkfish
	weakfish
	bonito
	king mackerel
	spanish mackerel
	croaker
	Summer Flounder
	spot
	scup
South Carolina	Sharks

FIXED NET	
STATE	FISHERY
New Jersey	Black Sea Bass
	mixed species
	Bluefish
	Butterfish
	Winter Flounder
	Atlantic Mackerel
	Atlantic Menhaden
	Monkfish
	squids
	Striped Bass
Rhode Island	Weakfish
Massachusetts	mixed species
Delaware	mixed species
Virginia	mixed species
Maryland	mixed species
	Spot
	Atlantic Croaker
	Black Drum
	Atlantic Mackerel
South Carolina	Weakfish
	Brown Shrimp
	Pink Shrimp
	White Shrimp

Attachment B. Fishery gear types documented to take sea turtles or with the potential to take sea turtles. Information includes data from the Atlantic States Marine Fisheries Commission Management and Science Committee.

FIXED NET	
STATE	FISHERY
New York	Black Sea Bass
New Jersey	mixed species
	Bluefish
	Butterfish
	Winter Flounder

TRAWL	
STATE	FISHERY
Massachusetts	Mixed species
Rhode Island	Monkfish
Connecticut	Mixed species
New York	Butterfish
	Striped Bass

	Atlantic Mackerel
	Atlantic Menhaden
	Monkfish
	squids
	Striped Bass
	Weakfish
Rhode Island	mixed species
Massachusetts	mixed species
Delaware	mixed species
Virginia	mixed species
Maryland	Spot
	Atlantic Croaker
	Black Drum
	Atlantic Mackerel
	Weakfish
South Carolina	Brown Shrimp
	Pink Shrimp
	White Shrimp

ROD AND REEL	
STATE	FISHERY
Massachusetts	unknown
Delaware	unknown
Maryland	unknown
Virginia	unknown
Georgia	Amberjack
	Black Sea Bass
	Bluefish
	Groupers
	King Mackerel
	Spanish Mackerel
	Sharks
	Snappers
Florida	Swordfish

CLAMMER TONGS	
STATE	FISHERY
Virginia	clams

New Jersey	Black Sea Bass
	Summer Flounder
	Tautog
	Scup
	shrimp
Delaware	Horseshoe Crab
Maryland	Smooth Dogfish
	Spiny Dogfish
	Horseshoe Crab
	Atlantic Menhaden
	Skate
	Tautog
	weakfish
	striped bass
	monkfish
Virginia	bluefish
	butterfish
	croaker
	red drum
	summer flounder
	sheepshead
	loligo squid
	conch
	sea bass
North Carolina	Summer Flounder
	Gulf Kingfish
	Northern Kingfish
	Southern Kingfish
	White Shrimp
	Tautog
	Spot
South Carolina	Brown Shrimp
	Pink Shrimp
	White Shrimp
Georgia	Blue Crab
	Brown Shrimp
Florida	Gulf Flounder
	Southern Flounder
	Summer Flounder
	Brown Shrimp
	Pink Shrimp
	White Shrimp

Attachment B. Fishery gear types documented to take sea turtles or with the potential to take sea turtles. Information includes data from the Atlantic States Marine Fisheries Commission Management and Science Committee.

POT AND TRAP	
STATE	FISHERY
Massachusetts	American Lobster, scup
Maine	American Lobster
Rhode Island	American Lobster
Connecticut	American Lobster
New York	American Lobster
Maryland	American Lobster, crab
	sea bass
New Jersey	American Lobster, crab
	mixed species
Virginia	summer flounder
	black sea bass
	blue crab
	tautog
	whelks
Georgia	Blue Crab

SPEAR AND GIG	
STATE	FISHERY

Florida	Gulf Flounder
	Summer Flounder

LONGLINE/TROTLINE	
STATE	FISHERY
South Carolina	Sharks
Georgia	Groupers
	Snappers
	Sharks

DREDGE	
STATE	FISHERY
Virginia	Conch
	scallop
	summer flounder
	black sea bass
	clam
	anglerfish
Massachusetts	scallop
Maine	scallop
New Jersey	scallop
	clam
	crab

HANDLINE	
STATE	FISHERY
Virginia	bluefish
	black sea bass
	Tautog

ATTACHMENT C

National Environmental Policy Act.

NMFS intends to prepare an EIS to assess the potential impacts on the human environment as a result of sea turtle interactions with fishing activities in the Atlantic and Gulf of Mexico. Reduction of the incidental capture of sea turtles as a result fishery operations has been identified as a priority task in all Endangered Species Act (ESA) sea turtle recovery plans for the Atlantic, Gulf of Mexico, and Caribbean. NMFS is responsible for promoting sea turtle conservation and for ensuring that priority tasks identified in recovery plans are implemented.

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the ESA. The Kemp's ridley (Lepidochelys kempji), leatherback (Dermochelys coriacea), and hawksbill (Eretmochelys imbricata) are listed as endangered. Loggerhead (Caretta) and green (Chelonia mydas) turtles are listed as threatened, except for populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

Under the ESA and its implementing regulations, taking sea turtles--even incidentally--is prohibited, with exceptions identified in 50 CFR 223.206.

NMFS has implemented many of the mechanisms provided under the ESA to recover sea turtles. However, the incidental capture of turtles in commercial and recreational fisheries has not been fully addressed. Numerous fisheries have been implicated in the incidental capture of marine turtles along the Atlantic and Gulf of Mexico coasts. Both state and federally managed fisheries are involved as well as fisheries operating outside of a management plan. Data available on the magnitude of the problem varies by fishery and area. The issue is not so much a specific target fishery problem but a gear problem. Certain types of gear are more prone to incidentally capturing turtles than others, depending on the way the gear is fished and the time and area within which it is fished.

ATTACHMENT C

NMFS intends to prepare an individual EIS on each gear of concern based on input from sea turtle experts, the fishing industry, non-governmental organizations (NOGS), academia, state representatives, the public, as well as research. Consideration of gear modifications and/or changes to fishing practices in those fisheries of concern will be done through rulemaking or permitting according to the Administrative Procedures Act. Specifically, NMFS will seek public comment on a gear-based approach for the Atlantic and Gulf of Mexico fisheries and request information on fisheries interactions with sea turtles as well as the identification of missing data and recommendations for further research.